

STATE OF MICHIGAN
COURT OF APPEALS

DEAN SOVE,

Plaintiff-Appellee,

v

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant-Appellant.

UNPUBLISHED

June 26, 2003

No. 238910

Oakland Circuit Court

LC No. 01-033472-CK

Before: Sawyer, P.J., and Meter and Schuette, JJ.

MEMORANDUM.

Defendant appeals as of right from a circuit court order denying its motion for summary disposition and granting plaintiff's cross-motion for summary disposition. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, who was driving a motorcycle that he owned, was involved in an accident with an uninsured driver. Plaintiff sought uninsured motorist coverage from defendant, who provided no-fault insurance for other vehicles plaintiff owned; the motorcycle was not among them. Defendant denied coverage under the other owned vehicle exclusion, which provided that coverage was not available if an insured was injured "while occupying a motor vehicle" he owned "if it is not insured for this coverage under this policy"

This case is controlled by *Heath v State Farm Mut Automobile Ins Co*, 255 Mich App 217; 659 NW2d 698 (2003), in which this Court ruled that the other owned vehicle exclusion unambiguously excluded coverage where the plaintiff was driving a motorcycle not covered by the policy. *Id.* at 220. Therefore, the trial court erred in ruling that the policy was ambiguous.

Reversed.

/s/ David H. Sawyer

/s/ Patrick M. Meter

/s/ Bill Schuette